



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/829,468	04/09/2001	Gary L. Sextro	TI-30905	8685

23494 7590 09/05/2007
TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS, TX 75265

EXAMINER

LU, SHIRLEY

ART UNIT	PAPER NUMBER
----------	--------------

2612

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

09/05/2007

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspto@ti.com
uspto@dlemail.itg.ti.com

Office Action Summary

Application No.

09/829,468

Applicant(s)

SEXTRO ET AL

Examiner

Shirley Lu

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- ☐ Notice of Informal Patent Application
- ☐ Other: ____

DETAILED ACTION

Response to Arguments

a. Applicant argues on page 2, that according to MPEP 706.02 and 2136.03, "the examiner *must* include a showing of support from provisional application."

Applicant is requested to reread the sections of the MPEP in which he cited. These sections do not require the examiner to "include a showing of support from provisional application."

b. Applicant argues on page 11, that Ellis does not disclose, "providing a digital interactive set-top box coupled to a standard television, said interactive set-top box accessing said additional internet-based content and superimposing said content on said video stream."

See rejection below.

c. Applicant argues on page 11, that Ellis does not disclose, "storing one or more of said video clips of said selected plays; summarizing said stored video clips with a graphic summary including coded indicators denoting types of plays; replaying one of said video clips..."

See rejection below.

d. Applicant argues on page 12, that Ellis does not disclose, "providing taskbars displaying various accounts in the home."

See rejection below.

Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claim(s) 1, 4-10, 12-13, 15-17, 24-25 is/are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ellis et al. (2004/0117831) in view of Smallcomb (5938737).

As to claim 1, Ellis et al. discloses:

receiving a terrestrial broadcast signal comprising a video stream ([0096]);

interpreting commands embedded in the video stream, said embedded commands operable to access interactive features, said embedded commands synchronized and correlated with additional Internet-based content ([0091]; [0183])

providing a digital interactive set-top box coupled to a standard television, said interactive set-top box accessing said additional Internet-based content and superimposing said content on said video stream (met as claimed above in claim 1 with respect to Ellis et al.; [0098]).

Art Unit: 2612

displaying said additional Internet-based content superimposed on said video stream from said terrestrial broadcast signal (television 30, figure 1A; [0186]; [0166]).

Ellis does not expressly teach, receiving said Internet-based content via satellite transmission, and sending transmitting information via landline transmission.

Smallcomb discloses receiving said Internet-based content via satellite transmission, and sending transmitting information via landline transmission (satellite downstream telephone line upstream for internet data; col. 3, lines 41-67).

It would have been obvious to one of ordinary skill in the art to modify Ellis to teach receiving said Internet-based content via satellite transmission, and sending transmitting information via landline transmission, so as to reduce user upstream costs, while enjoying the benefits of broadband connections.

As to claim 4, Ellis et al. discloses:

said embedding comprising embedding delimiters to define sequential video clips for storage and future display stream ([0132]; [0138]; [0237]).

As to claim 5, Ellis et al. discloses:

Art Unit: 2612

said embedding comprising embedding delimiters to define sequential video clips for storage and future display, each of said sequential video clips comprising a segment of a sporting event ([0184]; [0138-0139]; [0044]; [0175-0176]).

As to claim 6, Ellis et al. discloses:

receiving a terrestrial broadcast signal comprising a video stream ([0096]);

interpreting commands embedded in the video stream, said embedded commands operable to access interactive features, said embedded commands synchronized and correlated with additional Internet-based content ([0091]; [0183])

said embedding comprising embedding delimiters to define sequential video clips for storage and future display, each of said sequential video clips comprising a segment of a sporting event ([0091]; [0111]; [0114]; [0119-120]; [0164-200]);

storing one or more of said video clips of said selected plays; summarizing said stored video clips with a graphic summary including coded indicators denoting types of plays; replaying one of said video clips upon viewer selection of a corresponding said coded indicator (see claim 5; [0018]; [0169]; [0184]).

displaying said additional Internet-based content superimposed on said video stream from said terrestrial broadcast signal (television 30, figure 1A; [0186]; [0166]).

Ellis does not expressly teach, receiving said Internet-based content via satellite transmission, and sending transmitting information via landline transmission.

Smallcomb discloses receiving said Internet-based content via satellite transmission, and sending transmitting information via landline transmission (satellite downstream telephone line upstream for internet data; col. 3, lines 41-67).

It would have been obvious to one of ordinary skill in the art to modify Ellis to teach receiving said Internet-based content via satellite transmission, and sending transmitting information via landline transmission, so as to reduce user upstream costs, while enjoying the benefits of broadband connections.

As to claim 7 Ellis et al. discloses:

comprising selecting a fixed graphic format for viewing on a standard non-interactive television (program guide as shown in figure 31).

As to claim 8 Ellis et al. discloses:

said embedding comprising embedding commands in said video stream to facilitate polling of viewers, allowing said viewers to vote on an aspect of said simultaneously displayed broadcast data ("The user may view a controllable sports ticker, as shown for

Art Unit: 2612

example in FIG. 35, by selecting option 354. The user may participate in sports wagering and voting as well, as shown for example in FIGS. 36-38, by selecting option 355. The user may participate in fantasy sports leagues, as shown for example in FIGS. 39-40, by selecting option 356" [0166]).

As to claim 9, see claim 10.

As to claims 10 Ellis et al. discloses:

said embedding comprising embedding commands in said video stream to prompt access to Internet sites offering pushed products selected from the group consisting of: tickets to future sporting events, travel packages, and sports apparel ([0166]; [0185]).

As to claim 12 Ellis et al. discloses:

said embedding comprising embedding commands enabling a viewer to interactively complete a transaction to purchase various products by selecting an Internet generated icon on the display screen ("a user could click on Tim Allen's Binford saw during an episode of "Tool Time" to find out more information about it such as where to purchase it" [0046]; "guide may provide web sites or merchandise in a shopping application that match the user's preferences" [0203]).

As to claim 13 Ellis et al. discloses:

Art Unit: 2612

said embedding comprising embedding commands enabling a viewer to interactively complete a transaction to purchase various products and receive confirmation of said transaction in real-time on a display screen (see claim 12 and also "Screen 400 may also provide other options such as the option to buy tickets for local sports events by selecting option 403. When the user selects option 403, the program guide may provide a schedule of sporting events. The user may select a sporting event to purchase a ticket for that event. Sporting schedules may be obtained from a real-time data source, server, or other database" [0185]).

As to claim 15 Ellis et al. discloses:

said embedding comprising embedding commands utilizing streaming data comprising a selected personalized portfolio of stocks, the ticker for said selected portfolio being taken from market data embedded in said video stream and presented and updated in a banner or window on said display screen ([0091]; [0235-0237]; [0242]; [102]).

As to claim 16 Ellis et al. discloses:

comprising editing interactive data selected from a group consisting of sports teams and portfolio stocks from a screen menu in real-time (see claim 15; [0057]; [0202]; [0111]).

As to claim 17,

Art Unit: 2612

Ellis et al. discloses:

receiving a terrestrial broadcast signal comprising a video stream ([0096]);

interpreting commands embedded in the video stream, said embedded commands operable to access interactive features, said embedded commands synchronized and correlated with additional Internet-based content ([0091]; [0183])

displaying said additional Internet-based content superimposed on said video stream from said terrestrial broadcast signal (television 30, figure 1A; [0186]; [0166]).

providing taskbars displaying various accounts in the home (see claim 11; [0202]).

Ellis does not expressly teach, receiving said Internet-based content via satellite transmission, and sending transmitting information via landline transmission.

Smallcomb discloses receiving said Internet-based content via satellite transmission, and sending transmitting information via landline transmission (satellite downstream telephone line upstream for internet data; col. 3, lines 41-67).

It would have been obvious to one of ordinary skill in the art to modify Ellis to teach receiving said Internet-based content via satellite transmission, and sending transmitting information via landline transmission, so as to reduce user upstream costs, while enjoying the benefits of broadband connections, and provide additional means for data.

As to claim 24, Ellis discloses:

Art Unit: 2612

Storing one or more of said video clips of said selected plays; Replaying one of said video clips upon viewer selection.

Ellis does not expressly teach summarizing said stored video clips with a graphic summary including coded indicators denoting types of plays. It would have been obvious to one of ordinary skill in the art to modify Ellis to teach summarizing said stored video clips with a graphic summary including coded indicators denoting types of plays, as an obvious matter of design choice, and to enable quicker means for identifying desired data.

As to claim 25, Ellis discloses:

providing taskbars displaying various accounts in the home (see claim 11; [0202]).

2. Claim(s) 2, 14 is/are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ellis (20040117831), in view of Smallcomb (5938737), and in view of Butler et al. (2002/0007493).

As to claim 2,

Ellis does not expressly teach said embedding comprising embedding HTML commands.

Butler discloses embedding HTML commands ([0009]; [0020]; [0051]; [0060]).

It would have been obvious to one of ordinary skill in the art to modify Ellis to teach said embedding comprising embedding HTML commands, so as to allow video broadcasters to prepare ancillary data content as HTML files.

As to claim 14 Butler et al. discloses:

Ellis does not expressly teach said embedding comprising embedding commands utilizing streaming data from said Internet or television broadcast to further enhance the viewing experience by continuously superimposing interactive data in various locations on said broadcast video

Butler discloses said embedding comprising embedding commands utilizing streaming data from said Internet or television broadcast to further enhance the viewing experience by continuously superimposing interactive data in various locations on said broadcast video ([0015]; [0044]; [0048]).

It would have been obvious to one of ordinary skill in the art to modify Ellis to teach said embedding comprising embedding commands utilizing streaming data from said Internet or television broadcast to further enhance the viewing experience by continuously superimposing interactive data in various locations on said broadcast video, so as to allow greater usability and interaction with the users, and provide an additional means of receiving data.

Art Unit: 2612

3. Claim(s) 18 is/are rejected under 35 U.S.C. § 103(a) as being unpatentable over Butler et al. (2002/0007493), in view of Smallcomb (5938737), and in view of Ellis (20040117831).

As to claim 18,

Butler et al. discloses:

a broadcast video receiver for receiving video data from a video provider service via terrestrial broadcast transmission (terrestrial broadcast source [0013]);

an internet browser providing bidirectional access to internet content ([0041])

a graphics processor capable of receiving said broadcast video content and said internet content and providing combined video data comprised of both broadcast video content and internet content (met as discussed above and by processor 52, figure 2; "FIG. 2 shows an example implementation of PC 14 in more detail. PC 14 is enhanced for purposes of displaying broadcast television and accompanying digital data content" [0031]).

a display in communication with said graphics processor for displaying said combined video (monitor 68, figure 2; [0034]).

a viewer interface interpreting viewer input and sending corresponding data content through said internet browser to a third party [0029]; [0042]; [0022]).

Art Unit: 2612

Butler does not expressly teach said internet browser receiving said internet content via satellite transmission, and said internet browser sending said internet content via landline transmission.

Smallcomb discloses said internet browser receiving said internet content via satellite transmission, and said internet browser sending said internet content via landline transmission (satellite downstream telephone line upstream for internet data; col. 3, lines 41-67).

It would have been obvious to one of ordinary skill in the art to modify Butler to teach said internet browser receiving said internet content via satellite transmission, and said internet browser sending said internet content via landline transmission, so as to reduce user upstream costs, while enjoying the benefits of broadband connections.

The combination above does not expressly teach providing a digital interactive set-top box coupled to a standard television, said interactive set-top box accessing said additional Internet-based content and superimposing said content on said video stream.

Ellis et al. discloses:

Art Unit: 2612

providing a digital interactive set-top box coupled to a standard television, said interactive set-top box accessing said additional Internet-based content and superimposing said content on said video stream (met as claimed above in claim 1 with respect to Ellis et al.; [0098]).

It would have been obvious to one of ordinary skill in the art to modify the combination above to teach providing a digital interactive set-top box coupled to a standard television, said interactive set-top box accessing said additional Internet-based content and superimposing said content on said video stream, so as to provide an additional means of receiving data.

4. Claim(s) 11 is/are rejected under 35 U.S.C. § 103(a) as being unpatentable over Butler (20020007493) in view of Ellis et al. (2004/0117831).

As to claim 11,

Butler discloses:

providing a broadcast signal comprising a video stream ([0013]);

embedding commands in the video stream, said embedded commands operable to access interactive features, said embedded commands synchronized and correlated with additional Internet-based content ([0015]; [0051]).

displaying said additional Internet-based content superimposed on said video stream from said traditional broadcast signal ([0044]; [0051]).

Art Unit: 2612

Butler does not expressly teach said embedding comprising embedding commands in said video stream to prompt access to Internet sites offering pushed products selected using analysis of said viewer's habits; a 'set-top...'

Ellis discloses said embedding comprising embedding commands in said video stream to prompt access to Internet sites based on a viewer ([0166-0167]; [0185]; [0140]; [0203]; [0131]; [0245]; [0250]; [0008]; [0010]).

Ellis et al. discloses:

providing a digital interactive set-top box coupled to a standard television, said interactive set-top box accessing said additional Internet-based content and superimposing said content on said video stream (met as claimed above in claim 1 with respect to Ellis et al.; [0098]).

It would have been obvious to one of ordinary skill in the art to modify Butler to teach said embedding comprising embedding commands in said video stream to prompt access to Internet sites offering pushed products selected using analysis of said viewer's habits; 'set-top...', so as to provide customizable features of interest to particular users.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shirley Lu whose telephone number is (571) 272-8546.

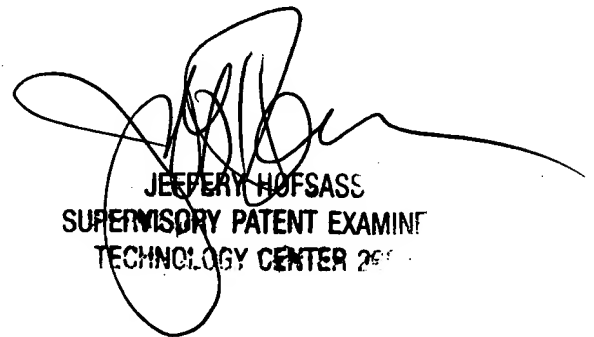
The examiner can normally be reached on 8:30-5:00 M-F.

Art Unit: 2612

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Hofsass can be reached on (571) 272-2981. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SL



JEFFERY HOFSSASS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2612